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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,596	06/09/2005	Thomas Thompson	27726-99600	5443
23644 7590 09/19/2008 BARNES & THORNBURG LLP P.O. BOX 2786 CHICAGO, IL 60690-2786				
EXAMINER				
HUYNH, BA				
ART UNIT		PAPER NUMBER		
2179				
NOTIFICATION DATE		DELIVERY MODE		
09/19/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

Office Action Summary

Application No.

10/538,596

Applicant(s)

THOMPSON, THOMAS

Examiner

Ba Huynh

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-16, 19-23, 25, 27 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-16, 19-23, 25, 27 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 30 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 30 recites "A computer readable medium or modulated signal". Signal is non-statutory subject matter. Signal is not tangible by itself thus can not tangibly stores computer executable instructions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-16, 22, 23, 27, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,777,895 (Kuroda et al, in view of US patent #6,230,150 (Walker et al).

- As for claims 1, 8, 9, 22, 23, 30: Kuroda et al (hereinafter Kuroda) teach a computer implemented method and corresponding system, program code means for planning an arrangement of a vending machine on a surface, comprising the steps/means for:
Providing an interface having a graphical representation of a surface (fig. 7),

Providing on the interface a graphical representation of at least one vending machine (fig. 8), Iteratively allowing a user to select a piece of furniture and place a graphical representation of the selected furniture onto the surface (fig. 8, 6:34-54), and calculating a profit relating to financial characteristic of the vending machine (10:1-3). Kuroda fails to clearly teach that the vending machine is a beverage machine. However in the same field of managing vending machine, Walker et al (hereinafter Walker) teach a method for predicting profit of a vending machine, wherein the vending machine is any of laundry machine or beverage machine (4:9-16). Thus it would have been obvious to one of skill in the art, at the time the invention was made, to modify Kuroda's laundry machine with Walker's teaching of beverage machine. Motivation of the implementation is expressly suggested by Walker as both of beverage and laundry machines are being in the same family of vending machine (4:9-16). Configuration of cost per unit of service or product are inherently included in the Kuroda and Walker.

- As for claims 10: Cost value is calculated automatically by the system based cost per unit value entered by a user (an operator, Walker's 2:60-67. See also incorporated by reference patent 6,397,193 and 5,988,346).
- As for claim 11: The cost value is calculated by referencing to a cost per unit value retrieved from a set of default value (Walker's 8:6-28).
- As for claim 12: The operator can override one or more of the set of default value (Walker's 2:60-67. See also incorporated by reference patent 6,397,193 and 5,988,346).
- As for claims 13, 14, 16: Walker teach profit calculation by monitoring profit based on offer prices (7:2—56). Calculating of profit based on the adjustable project serving price and adjustable project of daily serving value appears inherently included or alternatively would

have been obvious in light of Walker's teaching of profit calculation and price adjustment.

- As for claim 15: Calculation of pay-off time would have been obvious to one of skill in the art in business management.
- As for claim 27: Status inquires by Email is well known in computer art. The implementation would have been for the obvious advantages of computer technology.

Claims 2-4, 6, 7, 19-21, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 5,777,895 (Kuroda et al, in view of US patent #6,230,150 (Walker et al), further in view of US patent application publication 2003/0172003 (Holbrook et al).

- As for claim 2: The combined Kuroda&Walker fail to teach work surface (space) can be selected and having width and length dimensions defined by the user. However in an analogous field of furniture layout, Holbrook teach a work surface (space) can be selected and having width and length dimensions defined by the user (Holbrook's 0040). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Holbrook's teaching to Kuroda&Walker. Motivation of the combining is for defining the space for the beverage machine. Calculation of open space is inherently included in Holbrook's teaching of space analysis and feedback (Holbrook's 0025, 0036, 0043).
- As for claim 3: Calculating space area of an object by multiplication of its sides is well known in the art. The implementation would have been obvious in light of Holbrook's teaching of surface analysis and planning.
- As for claim 4: In light of Holbrook's feedbacks and tips are provided to prevent user from improperly placing beverage machine (0025, 0026, 0036).

- As for claims 6, 7: In light of combining, selected beverage machine icon can be moved around in the work space (0043).
- As for claim 19: The combined Kuroda&Walker fail to teach print out a report of equipment description and configuration can be printed out to the user. However in the same field of equipment layout, Holbrook teaches printing out a report of equipment description and configuration (0025, 0049; see page 17-18: Print report). It would have been obvious to one of skill in the art to combine Holbrook's teaching of printing a report of the configuration to Kuroda&Walker. Motivation of the combine is for hardcopy verification and filing.
- As for claims 20, 21: Adding a profit value for a selected time period to the report specification sheet would have been obvious for investment purpose and for the completeness of the report.
- As for claim 25: The combined Kuroda&Walker fail to teach that the beverage machine can be purchased from a website on internet. However Holbrook teach that furniture can be purchased from a Website on Internet (0031, 0044). It would have been obvious to combine Holbrook's teaching to Kuroda&Walker for purchasing the beverage machine over a website on internet. Motivation of the combine is for the obvious advantage of being cost effective.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached cited references.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ba Huynh

/Ba Huynh/

Primary Examiner, Art Unit 2179